

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Claims 11-18 are pending in the application. The claims have not been amended. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 103(a)**

On Page 2 of the Office Action, the Examiner rejected claims 11, 12, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Scholtens et al. (US 7,054,273) in view of Mimura, et al. (US 2001/0021176 A1). The Applicants respectfully disagree and request the Examiner to reconsider the rejection for the reasons discussed below.

#### **Regarding Claim 11**

The Examiner appears to be misreading Scholtens in several respects. First, the Examiner contends that Scholtens teaches the claimed step of sending a seizure signal from the originating gateway to the destination gateway indicating that a test is to be performed, which interface to use for the test, and a desired number of call handling resources to be used for the test. The Examiner cites FIG. 3A of Scholtens, particularly steps 230 and 210, for disclosing this step. These steps can be understood by referring to the block diagram in FIG. 1 of Scholtens. In step 230, the originating call controller 120A sends a connection control message (CreateConn) to the originating gateway 100A to initiate a connection through the ATM network and to indicate that the sending side of a continuity check is requested. This is not a seizure signal sent *from the originating gateway to the destination gateway* as claimed by the Applicant.

Instead, Scholtens provides the setup information to the destination gateway 100B by sending an IAM message from the originating call controller 120A to a destination call controller 120B, which then sends a CreateConn message to the destination gateway 100B with an indication that the receiving side of a continuity check operation is being requested. (See FIGs. 3A-3B, steps 255, 265). Obviously, this

process is entirely different from the Applicant's recited step of sending a seizure signal from the originating gateway to the destination gateway indicating that a test is to be performed, which interface to use for the test, and a desired number of call handling resources to be used for the test.

Second, Scholtens also fails to disclose the Applicant's recited step of the destination gateway returning a resource ready acknowledgment signal to the originating gateway prior to the originating gateway configuring the reserved call resources for the test. Instead, Scholtens's originating gateway 120A reserves resources for the call and makes the pattern generator and pattern detector available in step 235, long before the destination gateway 120B is even aware that a continuity check is going to be performed. The destination gateway 120B does not learn of the continuity check until the destination call controller 100B informs it of the check in step 265. The destination gateway 120B sets up a continuity check loop in step 275 and sends an acknowledgment message (CreateAck) to the destination call controller 100B in step 280. Both of these steps are after the originating gateway 120A has already configured resources. Additionally, the destination gateway 120B responds to the destination call controller 100B, not the originating gateway 120A. Thus, Scholtens does not teach or suggest the destination gateway returning a resource ready acknowledgment signal to the originating gateway prior to the originating gateway configuring the reserved call resources for the test.

Mimura also fails to disclose these features. Thus, the claimed invention would not be obvious to a person of ordinary skill in the art when presented with Scholtens and Mimura. Therefore, the withdrawal of the § 103 rejection is respectfully requested.

Claim 12 depends from claim 11 and recites further limitations in combination with the novel and unobvious elements of claim 11. Therefore, the allowance of claim 12 is respectfully requested.

#### Regarding Claim 15

Claim 15 is an apparatus-type claim corresponding to method claim 11. Therefore, the allowance of claim 15 is requested for the reasons discussed above.

Claim 16 depends from claim 15 and recites further limitations in combination with the novel and unobvious elements of claim 15. Therefore, the allowance of claim 16 is respectfully requested.

On Page 8 of the Office Action, the Examiner rejected claims 13, 14, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Scholtens et al. (US 7,054,273) and Mimura (US 2001/0021176 A1) in further view of Mallory et al (2002/0006136 A1) (Mallory hereafter). The Applicants respectfully disagree.

Claims 13 and 14, and claims 17 and 18 depend from base claims 11 and 15, respectively, and recite further limitations in combination with the novel elements of claims 11 and 15. As discussed above with reference to claims 11 and 15, the combination of Scholtens and Mimura does not teach or suggest the claimed steps and means for:

    sending a seizure signal from the originating gateway to the destination gateway, said seizure signal indicating that the end to end test is to be performed, which interface to use for the test, and a desired number of call handling resources to be used for the test; and

    receiving a resource ready acknowledgment signal in the originating gateway from the destination gateway, the acknowledgment signal indicating that the desired number of resources are available.

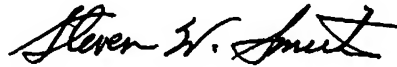
Mallory also fails to teach or suggest these steps. Thus, the claimed invention would not be obvious to a person of ordinary skill in the art when presented with Scholtens, Mimura, and Mallory. Therefore, the withdrawal of the § 103 rejection is respectfully requested.

### **3.) Conclusion**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11-18.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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